REMARKS

Claims 1 and 19-22, 24, 25, 27, 28, 30-36, 39, 40-42, 45, 46-48, 51-54, 57, 58, 60, 61, 63-66, 68, 69, 71, 72, 74-80, 83, 84-86, 89-92, 95-98, 101, 102, 104, 105, 108, 110, and 111-139 are pending in the subject application. Claims 22, 25, 28, 31, 33, 34, 39, 40, 46, 52, 66, 69, 72, 75, 77, 78, 84, 90, 96, 111, 112-118, 134, 136, 138 and 139 have been amended to depend, directly or indirectly, from the elected claims and/or to clarify the invention. New claims 140-148 have been added to more distinctly point out what Applicant regards as the invention. Support for the new claims can be found in the specification, *inter alia*, and, for example, as follows. Support for new claim 140 is at page 25, lines 1-13. Support for new claim 141 is at page 12, lines 20-21, page 16, lines 30-34, and page 25, lines 1-13. Support for new claim 142 is at page 13, lines 4-7, and page 28, lines 11-13. Support for new claims 143 and 144 is at page 26, lines 16-17, an page 28, lines 11-33. Support for new claims 145-148 is at page 14 line 29 to page 15 line 20. Applicant believes that no new matter has been added.

In the September 20, 2005 Office Action, the Examiner required a new restriction of the invention under 35 U.S.C. § 121 to one of six allegedly distinct inventions. Specifically, the Examiner required Applicants to elect one of the following groups:

Group I Claims 1 and 31, drawn to a method of eliciting an immune response against a tumor comprising the administration of a population of purified stress protein-peptide complexes, wherein the complex is a combination of two or more of Hsp70-peptide complexes, Hsp90-peptide complexes, and gp96-peptide complexes;

Group II Claims 19, 21, 33-36, 39-42, 57, 58, 63, 65, 77-80, 83-86, 101, 102, 111-125, and 132, drawn to an immunogenic population of purified human stress protein-peptide complexes or a composition comprising human stress protein-peptide complexes, wherein the complexes comprise gp96;

Group III Claims 20, 64, 111-118, and 126-133, drawn to an immunogenic population of purified human stress protein-peptide complexes or a composition comprising human stress protein-peptide complexes, wherein the complexes comprise a

combination of two more of Hsp70-peptide complexes, Hsp90-peptide complexes, and gp96-peptide complexes;

Group IV Claims 22, 24-28, 30-32, 45-48, 51-54, 60, 61, 66-69, 71, 72, 74-76, 89-92, 95-98, 104, 105, and 108-110, drawn to a method of treating a human with a tumor comprising administering to the human a composition comprising a purified gp96-peptide complex;

Group V Claims 134, 136, 138, and 139, drawn to a method of making an immunogenic population of purified human stress protein-peptide complexes, wherein the complexes are gp96-peptide complexes; and

Group VI Claims 135, 137, and 139, drawn to a method of making an immunogenic population of purified human stress protein-peptide complexes, wherein the complexes comprise a combination of Hsp70-peptide complexes, Hsp90-peptide complexes, and gp96-peptide complexes.

The Examiner alleged that the above groups of inventions are distinct, each from the other, and that searching the groups together would impose an undue burden.

The Examiner also required election of a single disclosed species of cytokine from the list of cytokines recited in claims 131 and 132.

In response, Applicant respectfully traverses the restriction requirement and maintains that it would not be an undue burden to search all of the claims together. In particular, Applicant submits that the claims of Groups II, IV, and V, are related as compositions and process of making and using said compositions. Likewise, the claims of Groups I, III, and VI are also related as compositions and process of making and using said compositions. Applicant respectfully requests that the restriction requirement be modified to comprise two groups, namely, Group 1 consisting of the claims of current Groups II, IV, and V; and Group 2 consisting of the claims of current Groups I, III, and VI.

However, in order to be fully responsive to the Examiner's requirement for restriction, Applicant hereby provisionally elects, with traverse, Group II, directed to claims 19, 21, 33-36, 39-42, 57, 58, 63, 65, 77-80, 83-86, 101, 102, 111-125, and 132, drawn to immunogenic

populations of purified human stress protein-peptide complexes or a composition comprising human stress protein peptide complexes, wherein said complexes comprise gp96. In response to the Examiner's requirement for election of a species of cytokine from the list of cytokines in claims 131 and 132, Applicant provisionally elects, with traverse, the species of cytokine, GM-CSF (granulocyte macrophage colony stimulating factor). In elected Group II, the claims readable upon the elected species are claims 21, 39-42, 57, 58, 65, 83-86, 101, 102, 111-114, 119-122, and 132.

Applicant notes that the presently pending process claims, claims 22, 25, 28, 31, 32, 45-48, 51-54, 60, 61, 66, 69, 72, 75, 76, 89-92, 95-98, 104, 105, 108, 110, 134, 136, 138, as amended, and new claims 140-148, include all of the limitations of at least one pending product claim from elected Group II. In the event that Applicant's proposal for modification of the restriction requirement is not accepted, at such time as an elected product claim is deemed allowable, Applicant respectfully requests rejoinder of the restricted product and process claims incorporating the limitations of such product claim, in accordance with the provisions of M.P.E.P. § 821.04.

Attorneys for Applicant retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicant respectfully requests that the present amendments and remarks be entered and made of record in the instant application. An early allowance of the application is earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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Enclosures